



**NEVADA TAHOE REGIONAL PLANNING AGENCY
GOVERNING BOARD
MEETING PACKET**

Wednesday December 8, 2021
Carson City, NV

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STATE OF NEVADA

Nevada Tahoe Regional Planning Agency

901 S. Stewart St. Suite 5003
 Carson City, Nevada 89701-5246
 Phone (775) 684-2720 Fax (775) 684-2721
 NOTICE OF PUBLIC MEETING

NEVADA TAHOE REGIONAL PLANNING AGENCY GOVERNING BOARD

December 8, 2021

1:00 PM

Notice is hereby given that the **Nevada Tahoe Regional Planning Agency Governing Board** will hold a public meeting on **Wednesday, December 8, 2021**. This will be a hybrid meeting with both in person and virtual attendance options. The meeting will be held at the Richard H. Bryan Building, Tahoe Hearing Room, 2nd Floor 901 S. Stewart Street, Carson City, NV.

The meeting will also be available via Lifesize at <https://call.lifesizecloud.com/3567823> or Phone: 877-422-8614 Meeting Code: 3567823

The Nevada Tahoe Regional Planning Agency uses LifeSize, a third-party app, for its virtual meetings and does not control its technical specifications or requirements. Your ability to participate in the public comment portions of a meeting may be impacted by factors including but not limited to the type of device you use, the strength of your internet or cellular signal, and the company that provides your internet or cellular service. The Nevada Tahoe Regional Planning Agency is not responsible if you are not able to participate in a meeting through LifeSize due to these or any other factors. For questions or additional information, you may contact Scott Carey, State Lands Planner at 775-684-2723 or at scarey@lands.nv.gov.

Public comment may also be submitted via email prior to the meeting, please submit public comments to scarey@lands.nv us by 5 PM on December 7, 2021.

AGENDA

1. **Call to Order.**
 - a. Roll Call.
 - b. Approval of Agenda – For Possible Action.
 - c. Approval of Minutes of the December 4, 2020 Meeting – For Possible Action.
2. **Public Comment** – An opportunity for general comments from the public, may be limited to 3 minutes per person. **(Note: The Board may not discuss any subject or issue that is not on this agenda during this time.)**
3. **Election of Chair** – To serve a two-year term commencing on January 1, 2021 pursuant to NRS 278.800 – For Possible Action.
4. **Election of Vice Chair** – To serve a two-year term commencing on January 1, 2021 pursuant to NRS 278.800 – For Possible Action.

5. **Discussion and Selection of Nevada Member at Large – For Possible Action** – To serve a one-year term commencing on January 1, 2022 pursuant to NRS 277.200, Article 3, section a, subsection 2.
6. **Request for a Second Extension of Time for Condition #1 for the Determination of Certification of the Gaming Floor Area for the Tahoe Nugget in Stateline** – Review of a request to grant a second extension of time for condition #1 for an additional 6 months thru June 30, 2022 of the Governing Board’s certification of eligibility of the gaming floor area made on July 23, 2020 and extended on December 4, 2020 for the Tahoe Nugget – APN 1318-23-401-049, 177 US Highway 50, Stateline, Nevada. – For Possible Action.
7. **Report of the Executive Officer on Activities of the Agency: January 2021 – December 2021** – Informational Only.
8. **Board Member Comments**
9. **Public Comment** – An opportunity for general comments from the public, may be limited to 3 minutes per person. **(Note: The Board may not discuss any subject or issue that is not on this agenda during this time.)**
10. **Adjournment**

Notice: Items on the agenda may be taken out of order at the discretion of the Chair, the public body may combine two or more items for consideration; and the public body may remove an item or defer discussion of an item on the agenda at any time.

Documentation and supporting agenda items are available on the Nevada Tahoe Regional Planning Agency Website at <http://lands.nv.gov/land-use-planning/nevada-tahoe-regional-planning-agency/ntrpa-meeting-agendas-and-minutes> and will be available at the NTRPA Governing Board Meeting meeting. For further information you may contact Scott Carey at 775-684-2723 or at scarey@lands.nv.gov.

Members of the public who are disabled and require special accommodations or assistance at the meeting are requested to notify Scott Carey in writing at the Division of State Lands, 901 S. Stewart St., Suite 5003, Carson City, Nevada 89701 or by calling (775) 684-2723, no later than December 6, 2021.

Notice of this meeting was posted at the following locations:

Department of Conservation and Natural Resources, 901 S. Stewart Street, Carson City NV

Division of State Lands, 901 S. Stewart Street, Suite 5003, Carson City NV

Nevada State Library, 100 North Stewart Street, Carson City NV

Tahoe Regional Planning Agency, 128 Market Street, Stateline NV

Nevada Tahoe Regional Planning Agency Website at www.lands.nv.gov/land-use-planning/nevada-tahoe-regional-planning-agency

Nevada Public Notice Website at www.notice.nv.gov.



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DRAFT MINUTES

DATE/TIME: Friday, December 4, 2020 – 9:00 am

PLACE: **Virtual Meeting.** This meeting was held virtually pursuant to NRS 241.023 and State of Nevada Declaration of Emergency Directive 006.

MEMBERS PRESENT: Marsha Berkbigler – Chair; Shelly Aldean; Mark Bruce; Jim Lawrence, Tim Cashman and Mark Wlaschin (Alternate).

MEMBERS ABSENT: Barbara Cegavske – Vice Chair and Wesley Rice.

OTHERS PRESENT: Charles Donohue – NTRPA Executive Officer; Scott Carey – State Lands; Tori Sundheim – Office of the Attorney General; Gary Midkiff – Midkiff & Associates; D. Scott Tate – Northern Nevada Comstock Investments; Kate Dargan-Marquis; Peter Gower; Haley Williamson; Debra Dudley; Ben Johnson; Kyle Davis – Davis Strategies; and Darcie Collins – League to Save Lake Tahoe.

1. **CALL TO ORDER** – Chair Berkbigler called the meeting to order at 9:01 am.
 - a. Roll Call – Scott Carey took roll and a quorum was established.
 - b. Approval of Agenda – Member Bruce moved to approve the agenda as submitted. The motion was seconded by Member Cashman. The motion was passed unanimously. ***ACTION**
 - c. Approval of Minutes of the July 23, 2020 Meeting – Member Bruce made a motion to approve the meeting minutes of July 23, 2020 as submitted. The motion was seconded by Member Lawrence. The motion was passed unanimously. ***ACTION**
2. **PUBLIC COMMENTS** – Chair Berkbigler called for public comment. Scott Carey stated that the meeting notice included instructions for how to submit a public comment before the meeting. As of the deadline of December 3, 2020 at 5:00 PM staff had not received any public comments. Chair Berkbigler called for any additional public comment. There was no public comment.
3. **INTERVIEWS OF NEVADA MEMBER AT LARGE CANDIDATES** – Scott Carey with the Division of State Lands presented a [staff report](#) which was included as pages 9-11 of the meeting packet to the Governing Board. The staff report outlined the recruitment and interview process for the Governing Board's appointment of the Nevada Member at Large position. Mr. Carey stated that

in September the agency was notified by Member Cashman that he planned to step aside from the Nevada Member at Large position at the end of his term on December 31, 2020. Per Nevada Revised Statutes (NRS) 278.792, the Governing Board shall make an appointment of the Nevada Member at Large position. The Governing Board's appointment would fill the Nevada Member at Large position for the following year starting January 1, 2021 to December 31, 2021. In accordance with this statute, the outgoing Nevada Member at Large may not vote on the appointment.

Mr. Carey stated that in October the agency conducted a recruitment for the Nevada Member at Large Position. The recruitment was posted on the NTRPA and Department of Conservation and Natural Resources (DCNR) websites. Additionally, DPCR sent out a press release announcing the vacancy. Upon the conclusion of the recruitment, the agency received [nine letters of interest and resumes](#) from the following qualified individuals: Tom Clark, Kate Dargan-Marquis, Debra Dudley, Peter Gower, Michael Harper, Ben Johnson, John Krompotic, Stellar Lufrano-Jardine, and Haley Williamson. On behalf of the NTRPA staff, Mr. Carey expressed his appreciation to the nine applicants who submitted letters of interest and resumes for the Nevada Member at Large Position.

Mr. Carey stated that after the letters of interest and resumes were received and vetted by the agency, the candidates were forwarded to the voting Governing Board members for review. The Governing Board members were individually asked to submit to agency staff two candidates to interview at the Governing Board meeting. Based on the response, a total of five candidates were identified to interview at the meeting. Listed in alphabetical order, they were Kate Dargan-Marquis, Debra Dudley, Peter Gower, Ben Johnson, and Haley Williamson.

Mr. Carey outlined the interview process for the five candidates at the Governing Board meeting. He stated the Governing Board would hear a 5-minute presentation from each of the candidates selected for interview. Mr. Carey also stated that the order of the presentations would be in alphabetical order, and that after each candidate had made their presentation, the Governing Board would then have an opportunity to ask questions of any of the candidates.

Member Lawrence asked for clarification as to when the Governing Board would have an opportunity to ask the candidates questions. Mr. Carey stated that the Governing Board would have an opportunity to ask questions after all five of the candidates had made their presentations.

Member Bruce asked about the majority requirement needed for the Governing Board to make the Nevada Member at Large appointment given the absence of some Board Members. Tori Sundheim stated that NRS 278.805 addresses the quorum and voting for the Governing Board. She specified that a majority of the five voting members present at the meeting would be required to make the appointment.

The Governing Board heard presentations from the candidates for the Nevada Member at Large position in the following order: Kate Dargan-Marquis, Debra Dudley, Peter Gower, Ben Johnson, and Haley Williamson.

Chair Berkbigler thanked all of the applicants for their interest in the Nevada Member at Large position and expressed her appreciation to the candidates who interviewed at the Governing Board meeting.

Chair Berkbigler asked Peter Gower if there would be a conflict with him serving on both the TRPA and NTRPA Governing Boards while also serving as a member of the City of Reno Planning Commission. Mr. Gower stated that it was his understanding that there would not be a conflict of interest because there is no overlapping jurisdiction between the City of Reno and the NTRPA or TRPA. Tori Sundheim suggested that if Governing Board members were curious about an ethical conflict of interest, they could review NRS 281A or reach out the Nevada Commission on Ethics for additional information.

Member Cashman stated that prior to his service on the TRPA Governing Board he served as Chairman of the Nevada Commission on Ethics. Member Cashman recalled there was a restriction in the TRPA Governing Board or the Nevada Commission on Ethics regulations that a person could only serve on one public body. Member Bruce stated that it was his understanding that a person could be appointed to two public bodies but only serve on one public body. Tori Sundheim stated she did not know the answer to this question but that she could conduct additional research and investigate decisions issued by the Nevada Commission on Ethics.

Member Lawrence stated it was his understanding from changes made by the Legislature about four sessions ago that you cannot be appointed by the Governor to two separate Governor appointed Boards & Commissions. Member Lawrence added that the NTRPA with the exception of Member Bruce is not a Governor-appointed body and that it is his interpretation of the statute that this is not an issue for the Nevada Member at Large appointment.

Chair Berkbigler stated that she agreed with Member Lawrence's interpretation of the statute. Tori Sunheim, with the Office of the Attorney General stated that her initial review of NRS 281A is that there are not any apparent restrictions on members being appointed to multiple public bodies. Ms. Sundheim added that she may need to review opinions issued by the Nevada Commission on Ethics to confirm any additional restrictions.

Member Aldean stated that she echoed Chair Berkbigler's appreciation for all of the candidates for the Nevada Member at Large position and stated that she felt all the candidates were well qualified.

Member Aldean asked Kate Dargan-Marquis about her statement that she works in a consensus approach as a default but is willing to take a confrontational position if needed. Ms Dargan-Marquis provided an overview of her approach to analyzing an issue and how she goes about understanding different perspectives and drivers behind an issue. Ms Dargan-Marquis stated that

it sometimes takes leadership to get difficult issues through the public process and that she is able to make a difficult decision on a confrontational issue.

Member Aldean asked Kate Dargan-Marquis whether, if appointed, she would be willing to commit to standing for reappointment after the completion of the first term. Kate Dargan-Marquis stated that she would be willing to be reappointed.

Member Aldean asked Debra Dudley what she thought about the Main Street Management Plan. Ms. Dudley stated the plan has been a great collaboration so far and that its only weakness is that most people in the community don't understand how the plan has gotten to this point. Ms. Dudley stated that one of the challenges facing the TRPA is getting the community to understand how the agency arrived at the decisions it has made and the ordinances it has implemented. Ms. Dudley stated that it's important for the community to be able to resonate with the plans that are adopted by the agency, so the community understands the importance of adhering to the plans.

Member Aldean asked Ms. Dudley whether, if appointed, she would be willing to commit to standing for reappointment after the completion of the first term. Ms. Dudley stated that she would be willing to be reappointed.

Member Aldean asked Peter Gower what bias, if any, he thinks he would bring to his role as a Member of the Governing Board. Mr. Gower stated that his background is in environmental planning and that he has both professional and personal planning experience. Mr. Gower stated that as a decision maker he comes into this role as someone who looks at the facts and tries to be as objective as possible to staff, the applicant, and the public to make an informed decision. Mr. Gower stated that at the end of the day the role of any board member is to make the best and most informed decision that you can regardless of any bias of background.

Member Aldean asked Mr. Gower whether, if appointed, he would be willing to commit to standing for reappointment after the completion of the first term. Mr. Gower stated that he would be willing to be reappointed.

Member Aldean asked Ben Johnson for his opinion on the TRPA's efforts to involve local residents in its decision making and what he thought could be improved. Mr. Johnson stated that that TRPA over the last 10 years has done a lot better job delegating authority and decision making to local decision makers. Mr. Johnson stated that he thinks communication is important and that the TRPA Governing Board needs to reach out directly to visitors and residents.

Member Aldean asked Mr. Johnson whether, if appointed, he would be willing to commit to standing for reappointment after the completion of the first term. Mr. Johnson stated that he would be willing to be reappointed.

Member Aldean asked Haley Williamson how she would balance the need to protect the environment with the need to ensure a healthy economy, workforce opportunities and respect

for the rights of individual property owners within the Lake Tahoe Basin. Ms. Williamson stated that in her current role as Chair of the Public Utilities Commission that she must take into account all different perspectives and make decisions between the shareholders of a utility and the public interest. Ms. Williamson stated that she has a lot of experience discerning different viewpoints particularly with balancing economic and environmental interests. Ms. Williamson stated that with the COVID-19 pandemic the region needs to talk about the economy and that the fragile economy must be balanced with the environment and protecting Lake Tahoe.

Member Aldean asked Ms. Williamson whether, if appointed, she would be willing to commit to standing for reappointment after the completion of the first term. Ms. Williamson stated that she would be willing to be reappointed.

Member Lawrence thanked everyone who applied for the Nevada Member at Large position and expressed his difficulty in selecting his top two candidates to interview today because of the high quality of applicants for this position.

Member Lawrence asked Kate Dargan-Marquis what her thoughts were with balancing sustainable recreation, the economy, and the environment. Member Lawrence further asked what role she thought the TRPA should play with regards to increased tourism in the Lake Tahoe Basin. Ms. Dargan-Marquis stated that she felt TRPA's evolving leadership with incentive-based guidance has been working. Ms. Dargan-Marquis stated that over the past 10-15 years the agency has done a good job transitioning from a regulatory top-down perspective to one that develops specific criteria for conditions to create and develop mechanisms to achieve those criteria. Ms. Dargan-Marquis stated that there will one day be a conversation about what the carrying capacity of the Lake Tahoe Basin is in terms of visitation. Ms. Dargan-Marquis stated that she thinks the answer to carrying capacity issue is likely going to come from an incentive and very small community-based plan around the lake and some hard discussions about how to balance load with the environment.

Member Lawrence asked Ms. Dargan-Marquis what her thoughts are on the role of the TRPA in addressing climate issues at the regional level. Ms. Dargan-Marquis stated that the first and best role of TRPA is to define how severe the problem is and how soon the area will reach that threshold of severity. Ms. Dargan-Marquis stated that with respect to wildfire, when she was State Fire Marshall, she did not see climate change happening as soon as it has. Ms. Dargan-Marquis stated that the role of TRPA should be to get a handle on the scope of climate change and communicate the severity of the issue with the public.

Member Lawrence asked Debra Dudley what her thoughts are with balancing sustainable recreation, the economy, and the environment. Member Lawrence further asked what role she thought the TRPA should play with regards to increased tourism in the Lake Tahoe Basin. Ms. Dudley stated that this is not an issue that is unique to Lake Tahoe and that she has worked on sustainable recreation issues in Yosemite, Death Valley, and the Black Rock Desert. Ms. Dudley stated that people are retreating from cities and want to visit beautiful environments. Ms. Dudley further stated that this challenge is likely to continue as more people can work from anywhere

and meet via virtual meeting platforms. Ms. Dudley stated that the region should look at other areas that are impacted with tourism challenges as models and to look at other measures that have been implemented to ensure tourism is sustainable at Lake Tahoe.

Member Lawrence asked Peter Gower what his thoughts are with balancing sustainable recreation, the economy, and the environment. Member Lawrence further asked what role he thought the TRPA should play with regards to increased tourism in the Lake Tahoe Basin. Mr. Gower stated that sustainable tourism is something he tackles in his day job and that he has developed carrying capacity analyses for the Bureau of Land Management and has also worked with the US Forest Service, State, and Local agencies on this issue. Mr. Gower stated that the tricky thing with recreation is that it's an outcome-focused industry and that people are expecting certain settings. Mr. Gower stated that within the Lake Tahoe Basin, the recreation setting and the quality of that setting is based on the environment such as the clarity of the lake, the vitality of the forest, and the clarity of the skies. Mr. Gower stated that the role of the TRPA as a planning organization should be to gather information, analyze that information, communicate that information through a planning process and a plan, and then successfully implement that plan through collaboration with stakeholders and the public. Mr. Gower stated that the effects of climate change are happening now, and the region is feeling the effects through the impacts of wildfires, prolonged droughts, and the seasonality of snow fall which all impact tourism at Lake Tahoe.

Member Lawrence asked Ben Johnson what his thoughts are with balancing sustainable recreation, the economy, and the environment. Member Lawrence further asked what role he thought the TRPA should play with regards to increased tourism in the Lake Tahoe Basin. Mr. Johnson stated the challenge he sees is how to connect and communicate in a way that connects with people. Mr. Johnson asked once people are in the region how does the agency communicate with and motivate them and get them to understand how their actions impact Lake Tahoe. Mr. Johnson stated that a mobile application for a cell phone that informed visitors of parking availability and messages about wildfire could help motivate visitors and make them feel part of creating sustainable recreation.

Member Lawrence asked Haley Williamson what her thoughts were on balancing sustainable recreation and the economy at Lake Tahoe and the TRPA's role in addressing climate issues. Ms. Williamson stated that one of the most exciting components of the Nevada Climate Strategy is transportation. Ms. Williamson stated that transportation is now the single largest emitter of carbon, and that transportation is something the TRPA is focused on. Ms. Williamson stated that the transportation sector is going to be a key piece in advancing sustainable recreation and climate initiatives for the Lake Tahoe Basin. Ms. Williamson stated that another component of the Nevada Climate Strategy that TRPA may be able to advance is building codes and redeveloping sensitive areas with greener and smarter buildings. Ms. Williamson stated that it is fundamentally important that the TRPA keep climate change as a driving focus and factor.

Member Bruce thanked all the applicants for the Nevada Member at Large position and expressed his appreciation to all the candidates who interviewed with the Governing Board.

Member Wlaschin stated that Vice Chair Cegavske expressed to him her appreciation to all the candidates who applied for the Nevada Member at Large Position.

Member Cashman asked all the candidates to provide an overview of any affiliations or membership in organizations within the Lake Tahoe Basin and if there are any potential conflicts of interest in serving on the Governing Board.

Kate Dargan-Marquis stated that she does not have any conflicts of interest with any organizations and that she does not have any direct business within the Lake Tahoe Basin. Ms. Dargan-Marquis stated in her five years living in Incline Village that she has been involved with recreation groups and with fire department activities but does not have any membership affiliations.

Debra Dudley stated that she is semi-retired and mostly does project work but not with anyone who would pose a conflict of interest with TRPA. Ms. Dudley stated that her only affiliation within the basin is with the Nevada State School Association and that she works with Clark County promoting the wedding industry.

Ben Johnson stated that his only affiliation is with the Tahoe Citizens Committee and that he does not view this as a conflict of interest.

Haley Williamson stated that she does not have any memberships. Ms. Williamson further stated that she discussed any potential conflicts with the Public Utilities Commission's General Counsel's office, and they did not foresee any conflicts of interest. Ms. Williamson stated that if there was a direct overlap between a TRPA and Public Utilities Commission issue, she would consult with legal counsel and make any necessary disclosures or recusals.

Peter Gower stated that there would not be any conflicts of interest with any of the Boards and Commissions that he serves on within the Truckee Meadows. Mr. Gower stated that he occasionally will work on projections within the Lake Tahoe Basin but that he does not foresee any conflicts of interest related to those projects in the future. Mr. Gower stated that if there are any conflicts of interest or perceived conflicts of interest on projects that he is involved in that he would consult with legal counsel and make any necessary disclosures or recusals.

4. **DISCUSSION AND SELECTION OF NEVADA MEMBER AT LARGE** – Scott Carey provided an overview of the Nevada Member at Large appointment process outlined in NRS 278.792 section 2(c). Mr. Carey reminded the Governing Board that that Member Cashman as the current Nevada Member at Large may not vote on this appointment. Mr. Carey stated that a majority of the Governing Board members present and eligible to vote on this appointment is needed to make the appointment of the Nevada Member at Large. Mr. Carey stated that if the Board is unable to get to a majority vote needed to make the appointment pursuant to NRS 278.792 section 3, the Governor can make the appointment of the Nevada Member at Large within 30 days of its vacancy.

Member Aldean made a motion to appoint Debra Dudley as the Nevada Member at Large. The motion was seconded by Member Wlaschin. Chair Berkbigler called for any discussion on the motion.

Member Lawrence stated that he was pleased with all the applicants and answers to his sustainable recreation question during the interview session. Member Lawrence stated that he was particularly impressed with Haley Williamson and her knowledge of transportation issues within the Lake Tahoe Basin and of the TRPA in general.

Member Bruce stated that he agreed with Member Lawrence. Member Bruce stated that he felt that Ms. Williamson's background and interest in Lake Tahoe was balanced and that she would be a valuable member on the Governing Board.

Member Aldean stated that she was impressed with all of the applicants and felt that all who applied were well qualified. Member Aldean stated that she was impressed with Debra Dudley's holistic approach to issues and her strong ability to communicate with the public. Member Aldean stated that she believes Ms. Dudley would do an exceptional job as a member of the Governing Board.

Chair Berkbigler stated that she was very impressed with the five candidates who interviewed with the Governing Board today. Chair Berkbigler stated that she has worked with Peter Gower in the past on environmental and growth issues within the Truckee Meadows and that he would do a good job on the Governing Board. Chair Berkbigler stated that she was impressed with Kate Dargan-Marquis and felt that she had a good understanding of issues within the Lake Tahoe Basin. Chair Berkbigler stated that she believes Debra Dudley is very bright, and that Ben Johnson is capable and could serve on the Governing Board. Chair Berkbigler stated that her top choice is Haley Williamson because she is young, she is very involved within the State of Nevada, and has a deep understanding and interest of issues on the Nevada side of Lake Tahoe.

There were no other Governing Board Member comments. Chair Berkbigler called for a roll call vote on the motion to appoint Debra Dudley as the Nevada Member at Large. ***ACTION**

AYES: Member Wlaschin, and Member Aldean.

NAYS: Chair Berkbigler, Member Bruce, and Member Lawrence.

ABSTAINERS: None

ABSENT: Member Rice

Member Lawrence made a motion to appoint Haley Williamson as the Nevada Member at Large. The motion was seconded by Member Bruce. Chair Berkbigler called for any discussion on the motion.

Member Lawrence stated that his experience on the Governing Board has shown that it is important to be able to communicate, collaborate, and look at the big picture. Member Lawrence stated that that he believed that Haley Williamson's experience with the Nevada Public Utilities Commission, her passion for Lake Tahoe, and her understanding of recreation and climate change would be valuable as a member of the Governing Board.

Chair Berkbigler called for any public comment on this agenda item. Scott Carey stated that as of the public comment deadline for this meeting on December 3, 2020 at 5:00 PM, staff did not receive any public comments. Chair Berkbigler called for any additional public comment. There was no public comment.

There were no other Governing Board Member comments. Chair Berkbigler called for a roll call vote on the motion to appoint Haley Williamson as the Nevada Member at Large. ***ACTION**

AYES: Chair Berkbigler, Member Aldean, Member Bruce, and Member Lawrence.

NAYS: Member Wlaschin.

ABSTAINERS: None

ABSENT: Member Rice

After the vote, Member Aldean stated that there was an enormous amount of talent amongst all the candidates who applied for the Nevada Member at Large position. Member Aldean stated that there are many opportunities for all the applicants to participate in NTRPA and TRPA planning processes. Member Aldean stated that she hoped to see these applicants at future meetings and encouraged them to express their concerns and provide their input on issues considered by the Governing Board.

Member Bruce echoed Member Aldean's comments and stated that today's decision was difficult because of the high quality of the applicants for the Nevada Member at Large position.

Haley Williamson thanked the Governing Board for the opportunity to serve as the Nevada Member at Large. Ms. Williamson stated that it was humbling to be selected for this position given the high quality of candidates who applied.

Debra Dudley expressed her congratulations to Haley Williamson on her appointment as the Nevada Member at Large by the Governing Board. Ms. Dudley stated that she strongly endorses the decision of the Governing Board to appoint Ms. Williamson and is thrilled that she will serve on the Governing Board.

5. **REQUEST FOR EXTENSION OF TIME FOR CONDITION #1 FOR THE DETERMINATION OF CERTIFICATION OF THE GAMING FLOOR AREA FOR THE TAHOE NUGGET IN STATELINE** – Scott

Carey presented the [staff report](#) which was included as pages 12-17 of the meeting packet to the Governing Board. Mr. Carey stated at the July 23rd Board meeting, the Board found that the certified base data for the Tahoe Nugget site was valid and eligible to be used on the site subject to one condition of approval. The condition of approval required that the applicant submit to the NTRPA detailed architectural floor plans and base data calculations within 6 months after purchasing the property.

Mr. Carey stated that there were some minor discrepancies with the square footages and cubic volume indicated on the exhibits reviewed by the agency and Governing Board when compared to the certified base data on file for the site. Mr. Carey stated that the discrepancies are indicated in the staff report. Mr. Carey stated that the intent of Condition #1 as approved by the Governing Board was to clean up the certified base data that the agency has on file for the Tahoe Nugget site. At the time of the original request in July, the applicant did not own the building and did not have access needed to conduct detailed measurements and develop more accurate floor plans.

Mr. Carey stated that according to records from Douglas County, Northern Nevada Comstock Investments closed on the purchase of the Tahoe Nugget building on August 19, 2020. In September, agency staff notified the applicant that they had until February 19, 2021, to satisfy the requirements of Condition #1. Mr. Carey stated that in the months since the applicant has owned the building, they have come across many unexpected issues within the building. According to the applicant these issues make it difficult to submit the detailed architectural floor plans and base data calculations before the February 19, 2021 deadline.

Mr. Carey stated that the applicant is expecting the overall project to be completed in multiple phases but likely three phases. Mr. Carey stated that the updated data and plans will allow the agency to make an accurate determination on whether a recertification request to the NTRPA Board will be warranted when reviewing future phases of the project.

Mr. Carey stated that staff is recommending an amendment to Condition #1 to allow additional time for the applicant to submit detailed architectural floor plans and base data calculations for the first phase and for subsequent future phases of the project. For the first phase of the project, staff is proposing that the condition of approval be amended to allow the applicant until December 31, 2021 to submit the detailed architectural floor plans and base data calculations to the agency. For future phases of the project, staff is proposing that the condition of approval be amended to allow the applicant to submit detailed architectural floor plans and base data calculations six months after commencing each future phase.

Member Aldean asked for clarification on the wording of the proposed amendment to Condition #1. Member Aldean stated that she believes the term "commencement" needs to be defined as it relates to future phases of the project. Member Aldean suggested the following language to the amendment Condition #1 at the end of the last sentence, "under no circumstances shall construction begin on any subsequent phases until said floor plans and base data calculations have been submitted and approved by the NTRPA".

Mr. Carey expressed his appreciation to Member Aldean for providing those comments on the record and for clarifying the term “commencement”. He stated that this definition will be important for the agency to have when reviewing future phases of this project, detailed floor plans and base data calculations. He stated that the intent of the amended condition of approval is to make sure that that analysis of the base data calculations is completed and approved by the agency prior to construction beginning on any future phase of the project.

Chair Berkbigler called for any public comment on this agenda item. There was no public comment.

Gary Midkiff, with Midkiff & Associates, expressed his appreciation to the NTRPA and staff for entertaining this request. Mr. Midkiff stated that the applicant, Northern Nevada Comstock Investments, needs adequate time to develop the detailed floor plans and base data calculations as portions of the building change from restaurant to gaming use as existing leases expire. He stated that they expect the deadline and time frames within the amended condition of approval to be adequate. He cautioned that there are currently many unknowns with the COVID-19 pandemic and the applicant may need to request an additional extension of time on this condition of approval in the future.

D. Scott Tate with Northern Nevada Comstock Investments stated that they have completed projects within the Lake Tahoe Basin before. Mr. Tate stated that they would never commence construction on project unless it was approved by the appropriate governmental authorities.

Chair Berkbigler stated that she believes that Gary Midkiff and D. Scott Tate would not start construction on a project without approval by the agency. Chair Berkbigler cautioned the Governing Board that with the COVID-19 pandemic there may be additional delays in this project and urged the Governing Board to work with the applicants in the future on another extension if necessary.

Member Aldean stated that she was not recommending the additional language within the amendment to Condition of Approval #1 because of Mr. Midkiff or Mr. Tate, but because she wanted to further clarify the condition of approval’s intent on the record.

There were no other Governing Board Member comments.

Member Aldean made a motion approve the amendment to Condition 1 associated with the previously approved certified base data determination for the Tahoe Nugget site, Douglas County APN 1318-23-401-049, as outlined in the staff report and as amended on the record during the Governing Board Meeting. The motioned was seconded by Member Bruce. The motion was passed unanimously. ***ACTION**

AYES: Chair Berkbigler, Member Aldean, Member Bruce, Member Wlaschin. and Member Lawrence.

NAYS: None

ABSTAINERS: None

ABSENT: Member Rice

6. **REPORT OF THE EXECUTIVE OFFICER ON ACTIVITIES OF THE AGENCY: JULY 2020–DECEMBER**

2020 – Executive Officer Donohue provided the Governing Board with an update on the activities of the NTRPA. Mr. Donohue offered his congratulations to the Governing Board on making the selection of a new Nevada Member at Large and stated that he felt all the applicants for the position were well qualified. Mr. Donohue stated that the agency will remain engaged with the Tahoe Nugget project and reminded the Governing Board that the Douglas County Community Development Department has the NTRPA on its building permit checklist.

Mr. Donohue provided the Governing Board with an update on the Tahoe Biltmore project. Mr. Donohue stated that he was informed by the owners of the project that all the condos have been sold as part of the Boulder Bay redevelopment project. Mr. Donohue stated that the owners are working closely with Washoe County to obtain permits and that they expect to start the second phase of the project next construction season. Mr. Donohue stated that the owners expect to complete full build out of the project within four years.

Mr. Donohue provided an update on the Cal-Neva project. Mr. Donohue stated that he was informed by the project's representative that the project is currently on hold due to the COVID-19 pandemic. Mr. Donohue stated that the owners are looking to see how the tourism market rebounds after the pandemic and plan to take advantage of the 1-year permit extension on all permits issued by the TRPA.

Mr. Donohue stated that the agency has received two requests since the Governing Board meeting for certified base data. Mr. Donohue stated that both requests were associated with the Lakeside Casino. Mr. Donohue stated that he expects the facility to be sold soon and that the agency is unaware of what the future owners intend to do with the facility. Mr. Donohue stated that the Governing Board may have an agenda item or two at a future meeting related to the Lakeside Casino.

7. **RECOGNITION OF SERVICE TO NTRPA FOR COMMISSIONER MARSHA BERKBIGLER** – Scott Carey presented the Board with a [resolution](#) outlining the contributions of Chair Berkbigler to the NTRPA. Mr. Carey stated that the resolution does not require Board approval. He stated that after the resolution was read into the record the Board would have an opportunity to say some words about Chair Berkbigler.

After the resolution was read, each of the Governing Board Members expressed their appreciation to Chair Berkbigler for her service to the NTRPA and TRPA.

8. **RECOGNITION OF SERVICE TO NTRPA FOR TIM CASHMAN** – Scott Carey presented the Board with a [resolution](#) outlining the contributions of Member Cashman to the NTRPA. Mr. Carey

stated that the resolution does not require Board approval. He stated that after the resolution was read into the record the Board would have an opportunity to say some words about Member Cashman.

After the resolution was read, each of the Governing Board Members expressed their appreciation to Member Cashman for his service to the NTRPA and TRPA.

9. **BOARD MEMBER COMMENTS** – There were no Board Member Comments.
10. **PUBLIC COMMENTS** – Chair Berkbigler called for public comment. Scott Carey stated that the meeting notice included instructions for how to submit a public comment before the meeting. As of the public comment deadline of December 3, 2020 at 5:00 PM, staff had not receive any public comments. Chair Berkbigler called for any additional public comment. There was no public comment.
11. **ADJOURN** – Chair Berkbigler adjourned the meeting. The meeting was adjourned at 11:25 AM.
***ACTION**

Note: These minutes should be considered draft minutes pending their approval at a future meeting of the Nevada Tahoe Regional Planning Agency Governing Board. Corrections and additions could be made prior to approval.



STATE OF NEVADA

Nevada Tahoe Regional Planning Agency

901 S. Stewart St. Suite 5003
Carson City, Nevada 89701-5246
Phone (775) 684-2720
Fax (775) 684-2721

STAFF REPORT

December 8, 2021

Subject: Election of a Chair and Vice Chair.

Jurisdiction: NRS 278.800 outlines the election process for the Chair and Vice Chair of the NTRPA Governing Board. Pursuant to the statute, upon election both the Chair and Vice Chair will serve a 2-year term.

NRS 278.800 Officers: Election; terms; vacancies. The governing body shall elect from its own members a chair and vice chair, whose terms of office shall be 2 years, and who may be reelected. If a vacancy occurs in either office, the governing body may fill such vacancy for the unexpired term.

Background: At their November 14, 2021 meeting, the NTRPA Governing Board elected Member Berkbigler as its Chair and Member Cegavske as its Vice Chair. Pursuant to the Governing Board's action the term of both these positions began on January 1, 2019 and ended on December 31, 2020.

Customarily, the NTRPA Governing Board at its last meeting of the year elects the Chair and Vice Chair position before the terms of these positions end. At its last meeting on December 4, 2020, the NTRPA Governing Board was expecting changes to its membership as well as considering the appointment of a new Nevada Member at Large position on the Board.

Because of the changes to the Governing Board's membership staff and the board leadership at the time felt that it was appropriate to wait until the following meeting to elect a new Chair and Vice Chair. At the time, staff was anticipating holding a Governing Board meeting in early 2021 to consider agency matters, however that meeting was not necessary, and the Governing Board is currently without a Chair and Vice Chair. Since this is the first meeting after the terms of the Chair and Vice Chair expired, the Governing Board needs to elect a new Chair and Vice Chair. Upon election the new Chair and Vice Chair will serve in this role until December 31, 2022.

The main roles of the Chair position include to run the meetings, assist staff with the development of meeting agendas, sign off on NTRPA certified plans & drawings, and sign other letters or official correspondence on behalf of the Governing Board. The main role of the Vice Chair position is to fill in for the Chair in their absence.

Staff Recommendation:

Staff recommends that the Governing Board elect a Chair and Vice Chair for a 2-year term beginning on January 1, 2021 and ending on December 31, 2022.

Prepared By: Scott Carey, AICP. State Lands Planner.



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STAFF REPORT

December 8, 2021

Subject: Discussion and selection of the Nevada Member at Large to serve a one-year term commencing on January 1, 2022 pursuant to NRS 277.200, Article 3, section a, subsection 2.

Jurisdiction: NRS 278.792 section 2(c) outlines the appointment process for the Nevada Member at Large position on the NTRPA Governing Board. Pursuant to the statute, six members of the Governing Board make the selection, and the outgoing Nevada Member at Large does not vote on the selection.

(c) One member appointed for a 1-year term by the six other members. If at least four members are unable to agree upon the selection of a seventh member within 30 days after this section becomes effective or the occurrence of a vacancy, the Governor shall make the appointment. The member appointed pursuant to this paragraph may but is not required to be a resident of the region.

If the Governing Board cannot get to a majority vote on the Nevada Member at Large selection after 30 days of the vacancy, NRS 278.792 section 3 provides that the Governor will make the appointment

3. If any appointing authority fails to make an appointment within 30 days after the effective date of this section or the occurrence of a vacancy on the governing body, the Governor shall make the appointment.

Background: Per NRS 278.792, the Governing Board shall make an appointment of the Nevada Member at Large position. At the December 4, 2020 meeting, the NTRPA Governing Board, after conducting a full recruitment and interview process, appointed Haley Williamson to a one-year term as the Nevada Member at Large. Member Williamson's term began on January 1, 2021 and ends on December 31, 2021.

In November, staff received notification from Member Williamson that she would like to be considered for reappointment to the NTRPA Governing Board. Attached to this staff report is a copy of an email from Member Williamson expressing her interest in being considered for reappointment. Under NRS, the Nevada Member at Large is allowed to be reappointed to the position by the Governing Board, if the Board desires.

Traditionally, the Governing Board has reappointed the Nevada Member at Large if the member wished to continue to serve in this position upon the conclusion of his or her term. However, it is at the discretion of the Governing Board to make the appointment of the Nevada Member at Large for a one-year term. In order to make an appointment, the Governing Board may either choose to reappoint Member Williamson, direct staff to initiate a recruitment and interview process, or appoint a new Nevada Member at Large member.

At the conclusion of the discussion on this item, the Governing Board may vote to appoint the Nevada Member at Large position. Per NRS, a majority vote of the six other members is needed to make the appointment of the Nevada Member at Large. The current Nevada Member at Large does not vote on this appointment. If after the first vote there is not a majority, the Governing Board will vote again until they have selected a candidate with a majority. If the Governing Board cannot get to a majority vote on the Nevada Member at Large selection, NRS 278.792 section 3 provides that the Governor may make the appointment if the position remains vacant for 30 days.

Staff Recommendation:

Staff recommends the Governing Board discuss and make an appointment of the Nevada Member at Large position per NRS 278.792 section 2(c) for a one-year term beginning on January 1, 2022 and ending on December 31, 2022.

Prepared By: Scott Carey, AICP. State Lands Planner.

ATTACHMENTS:

Exhibit 1: Member Williamson Reappointment Letter of Interest

Scott Carey

To: Hayley Williamson
Subject: RE: Nevada Member at Large Reappointment

From: Hayley Williamson <hayley.a.williamson@gmail.com>
Sent: Friday, November 12, 2021 2:52 PM
To: Scott Carey <scarey@lands.nv.gov>
Cc: Charlie Donohue <cdonohue@lands.nv.gov>
Subject: Re: Nevada Member at Large Reappointment

Hi Scott,

Thanks for the email, I am definitely interested in being considered for reappointment, it has been a pleasure serving in this role!

Sent from my iPhone

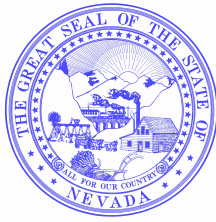
On Nov 12, 2021, at 1:47 PM, Scott Carey <scarey@lands.nv.gov> wrote:

Haley,

As you are aware your term as the Nevada Member at Large on the Nevada Tahoe Regional Planning Agency Governing Board expires on December 31, 2021. The purpose of this email is gauge your interest in being reappointed by the Governing Board to another 1 year term on the Board. Could you please let us know if you are interested and would like to be considered for reappointment at the Governing Board's next meeting?

Thank You,

Scott H. Carey, AICP
State Lands Planner
Nevada Division of State Lands
Department of Conservation and Natural Resources
901 S. Stewart Street, Suite 5003
Carson City, NV 89701
scarey@lands.nv.gov
(O) 775-684-2723 | (F) 775-684-2721



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STAFF REPORT

December 8, 2021

Subject: Request for a Second Extension of Time for Condition #1 for the Determination of Certification of the Gaming Floor Area for the Tahoe Nugget in Stateline – For Possible Action

Jurisdiction: Pursuant to the Tahoe Regional Planning Compact, the NTRPA Governing Board reviews and regulates redevelopment of and modifications to Structures Housing Gaming. The Compact provides the following guidance related to the applicant's request.

- Structures Housing Gaming are buildings operating under a nonrestricted gaming license that existed on May 4, 1979 or were approved for construction before that date.
- Structures Housing Gaming are inclusive of their public areas, such as gaming, retail, restaurants, meeting areas, etc. and private areas such as hotel rooms and parking.
- Article VI of the Compact limits the amount of Structures Housing Gaming space to what was existing, or approved to be constructed, prior to May 4, 1979.
- Article VI(d)(1) says construction of a structure not so existing, or enlargement in cubic volume of any existing or approved structures is prohibited.

To assist the NTRPA Governing Board, certified base data for each Structure Housing Gaming was established. The certified base data documents the areas occupied by Structures Housing Gaming as of May 4, 1979. Certified base data is established for each Structure Housing Gaming's public areas, private areas, gaming, cubic volume, coverage, etc. Because the Compact restricts and even prohibits redevelopment if certified base data is exceeded, it is important that the data be accurate.

The Tahoe Regional Planning Compact Article VI, Section (e) states that "Any structure housing licensed gaming may be rebuilt or replaced to a size not to exceed the cubic volume, height and land coverage existing or approved on May 4, 1979 without the

approval of the agency or any planning or regulatory authority of the State of Nevada whose review or approval would be required for a new structure.”

NTRPA Ordinance 1980-1 Article 3, Section 3.1 states “When any modification, remodeling or change in use of a structure housing gaming requires a permit from the permit-issuing authority, an application shall be filed with the agency and with the permit-issuing authority showing proof of filing with the agency. The permit-issuing authority shall review the application for compliance with this ordinance. The application shall be deemed in compliance with this ordinance, if when compared to the base data findings on file with the permit-issuing authority, it will not:

- (a) Enlarge the cubic volume of said structure;
- (b) Increase the total square footage of an area open to or approved for public use on May 4, 1979; and
- (c) Convert private use area to public use area.”

NTRPA Plan Review Procedures Policy Section 1(d) Changes in Gaming Area states that “All plans and proposals which will change the area in square feet devoted to gaming or change the location of gaming with any such structure must be accompanied by an information report (NRS 277.200, Article VI(g)). The Board will review all information reports showing changes in gaming and direct their transmittal to the TRPA.”

Therefore, it is under the jurisdiction of the NTRPA Governing Board to review applications that propose changes to Structures Housing Gaming, and in this instance, consider amendment of a condition of approval from a previous NTRPA decision regarding eligibility of certified base data on the Tahoe Nugget site.

Lake Tahoe’s Scenic Character:

In reviewing this request for an extension of time for Condition #1, it is important to recall that the Tahoe Regional Planning Compact stresses the importance of the scenic character of Lake Tahoe.

Compact, Article I, “Findings of Declaration of Policy:

Section (a)(8) states:

“Responsibilities for providing recreational and scientific opportunities, preserving scenic and natural areas, and safeguarding the public who live, work and play in or visit the region are divided among local governments, regional agencies, the States of California and Nevada, and the Federal Government.”

Section (a)(10) states:

“In order to preserve the scenic beauty and outdoor recreational opportunities of the region, there is a need to insure an equilibrium between the region’s natural endowment and its manmade environment.”

Background:

The Tahoe Nugget building is located at 177 US Highway 50, Stateline, NV, on Douglas County APN 1318-23-401-049. The building on the site was originally constructed in 1965 and was constructed to house gaming. According to the applicant, there was no history before 1965 of gaming use on the property. The building on the site was included in the original Structures Housing Gaming list and was declared to be existing before May 4, 1979 by the NTRPA. Throughout much of its history the building on the site housed non-restricted gaming with supporting uses. Over the years, the casino on the site has operated under the names Tahoe Nugget, Ed's Tahoe Nugget and John's Tahoe Nugget. The certified base data for Ed's Tahoe Nugget was certified by the NTRPA Governing Board on February 2, 1987.

On December 20, 1995, the NTRPA Governing Board reviewed and approved a request to increase the cubic volume of the structure to modify two stairwells. The requested actions were required by the building code at the time and the additional cubic volume that was added was not exchanged with any other certified data on the site. According to NTRPA agency records, the approval of this request was associated with a remodel of the entire building which changed the primary use from gaming to office and restaurant uses. According to the applicant, gaming stopped within the building sometime in 1996. Since that time, the building has been remodeled and used primarily for restaurant, office, and retail.

At its July 23, 2020 meeting, the Governing Board found that the certified base data for the Tahoe Nugget site was valid and eligible to be used on the site. At this same meeting the Governing Board approved Northern Nevada Comstock Investment's request to utilize the certified base data on this site subject to one Condition of Approval. The Condition of Approval required that the applicant submit to the NTRPA detailed architectural floor plans and base data calculations within 6 months after purchasing the site. According to records obtained by the NTRPA from Douglas County, Northern Nevada Comstock Investments closed on the purchase of the Tahoe Nugget site on August 19, 2020. In September 2020, agency staff notified the applicant that they had until February 19, 2021 to satisfy the requirements of Condition #1.

At its December 4, 2020 meeting, the Governing Board approved a request to amend Condition #1 associated with the Board's previous determination for the Tahoe Nugget site. The approved amended Condition #1 extended the deadline, allowing the applicant to submit the detailed architectural floor plans and base data calculations to the agency by December 31, 2021. The approved amended Condition #1 also allowed the applicant to submit detailed architectural floor plans and base data calculations 6 months after commencing each future phase of the project.

As part of its approval at the December 4, 2020 meeting, the Governing Board defined the term "commencement". The Governing Board specified that the term "commencement" means that no construction can begin on any phase until such floor plans and base data calculations have been reviewed and approved by the NTRPA. The intent of the term "commencement" in Condition #1 as it relates to future phases of the project is to allow the owners of the site sufficient time to analyze tenant spaces within

the building as they become vacant. At this same meeting, the Board expressed a desire to allow the applicant flexibility and sufficient time to tear down the vacant spaces within the existing building and submit the detailed architectural floor plans and base data calculations to the agency. However, the Board was clear that no construction or reestablishment of any gaming use within the building could begin until the plans were reviewed by the NTRPA and found to be in compliance with the certified base data for the site.

On October 5, 2021, NTRPA staff received a request from the representative of D. Scott Tate, Managing Partner with Northern Nevada Comstock Investments requesting a second amendment to Condition #1 associated with the Governing Board’s previous determination of the certified base data eligibility for the Tahoe Nugget site. The purpose of the request for the second amendment to Condition #1 is to allow for an extension of time to submit to the NTRPA detailed architectural floor plans and base data calculations. Northern Nevada Comstock Investments is requesting an additional 6 months to submit detailed architectural floor plans and base data calculations. A copy of the letter submitted on behalf of D. Scott Tate outlying their request for a second extension to Condition #1 is included with this staff report as Exhibit 1.

Analysis:

The intent of the original Condition #1 and its first amendment was to “clean up” the certified base data that the agency has on file for the Tahoe Nugget site. Clean certified base data for the site is needed by the agency to determine if the reestablishment of gaming on the site will fall within the certified base data approved on the site or whether a recertification request to the Governing Board will be warranted for future phases. At the time of the original request in July 2020, the applicant did not own the building and did not have access needed to conduct detailed measurements and develop more accurate floor plans. Because of this, there were some minor discrepancies with the square footages and cubic volume indicated and the exhibits reviewed by the agency and Governing Board when compared to the certified base data on file for the site. These differences between the certified plans and the plans submitted by the applicant submitted are listed below.

Type	Plans	Certified Data	Difference
Cubic Volume	203,502 CF	200,462 CF	+3,040 CF
Site Coverage	11,736 sq ft	11,560 sq ft	+176 sq ft
Non Base Area	6,797 sq ft	6,661 sq ft	+136 sq ft
Base Area	9,176 sq ft	9,461 sq ft	-285 sq ft
Public Area	15,973 sq ft	16,122 sq ft	-149 sq ft
Private Area	0 sq ft	0 sq ft	0 sq ft
Gaming Area	8,403 sq ft	8,773 sq ft	-307 sq ft

Staff believes the applicant’s limited access and the ongoing demolition work of walls and other portions of the vacant areas of the building are the main reasons behind the differences between the plans submitted and certified base data. For the past several decades the building has been used primarily for restaurant and other commercial uses. Given the age of the certified base data and the advances in computer technology and

architectural design in calculating square footage and cubic volume, staff believes that it is reasonable to assume that there would be some minor discrepancies in the data.

Since 1996, there have been several alterations with the Tahoe Nugget building. Given the building's age and use of the building, staff believes there is a need to update or clean up the certified base data on this site. The approved amended Condition 1 requires that the applicant submit architectural floor plans and base data calculations for the Tahoe Nugget building to the agency before December 31, 2021.

When reviewing the first amendment to Condition #1 last year, staff believed that the applicant's ownership of the building would allow them to work in the vacant areas of the building. This access has allowed the applicant take detailed measurements needed to submit more accurate base data calculations for the site. However, the applicant has come across unexpected issues in performing their demolition work in the vacant areas of the building. Below are pictures provided by the applicant showing the work that has taken place in the vacant tenant spaces within the building over the past year.







According to the applicant, the issues they have come across during the course of the demolition work make it impossible to submit the detailed architectural floor plans and base data calculations by the December 31, 2021 deadline. The applicant is requesting a second amendment to Condition #1 to allow an additional 6 months to develop plans for use of the building in the first phase and for future phases.

At this time, the applicant is expecting the overall project to be completed in multiple phases. At the July 23, 2020 Governing Board meeting, the applicant submitted conceptual floor plans for the first phase and upon full build out. A copy of the floor plan showing the first phase of the project and floor plan showing full build out is attached to this staff report as Exhibit 2.

The applicant has informed agency staff that they intend to reestablish the gaming use within the building as leases with existing tenants expire. The first lease with an existing tenant expired in the middle of 2021. According to the applicant, once the tenant left the building they went through the leased space and examined the condition of the building. The applicant has also informed staff that they are currently determining improvements needed to reestablish the gaming use along with developing the required detailed architectural floor plans and base data calculations. Because the building has primarily been used as restaurant and retail space for the past several decades there are a lot of improvements needed to reestablish the gaming use. The applicant has indicated to staff that once they have completed the demo work and finalized their plans for the building, they can submit the detailed architectural floor plans and base data calculations to the agency.

With the updated detailed architectural floor plans and base data calculations, the agency will be able to “clean up” the certified base data on file. Additionally, the updated data and plans will allow the agency to make an accurate determination on whether a recertification request to the Governing Board will be warranted when reviewing future phases of the project. As indicated at the July 23, 2020 Governing Board meeting, staff proposes that if the architectural floor plans and base data calculations for the first phase and future phases of the project are substantially in compliance with the certified base data for the site, than staff will have the ability to sign off on the plans for compliance and report back to the Governing Board. If the architectural floor plans and base data calculations for the first phase and future phases of the project are not in compliance with the certified base data, staff will then schedule a meeting for the NTRPA Governing Board to consider recertification of the certified base data.

Staff recommends a second amendment to Condition #1 to allow additional time for the applicant to submit detailed architectural floor plans and base data calculations for the first phase and future phases of the project. Staff proposes that the condition of approval be amended to allow the applicant until June 30, 2022 to submit the detailed architectural floor plans and base data calculations to the agency.

For future phases of the project, staff proposes the condition of approval language remain to require the applicant submit detailed architectural floor plans and base data calculations 6 months after commencing each future phase. The intent of this language for future phases is to allow the applicant to go through the building as tenant spaces become vacant and ensure sufficient time to conduct the measurements needed to develop detailed architectural floor plans and base data calculations. Additionally, it is staff’s recommendation that the definition of commencement approved by the Governing Board remain as part of Condition #1.

Below is a comparison of the amended Condition 1 approved by the Governing Board last December and the proposed second amendment to Condition 1.

Approved

Condition 1: The applicant will submit detailed architectural floor plans and base data calculations for the Tahoe Nugget building to the NTRPA for the first phase of the project by December 31, 2021. For all future phases of the project the applicant will submit detailed architectural floor plans and base data calculations for the Tahoe Nugget building to the NTRPA within 6 months after commencing each phase.

Proposed

Condition 1: The applicant will submit detailed architectural floor plans and base data calculations for the Tahoe Nugget building to the NTRPA for the first phase of the project by June 30, 2022. For all future phases of the project the applicant will submit detailed architectural floor plans and base data calculations for the Tahoe Nugget building to the NTRPA within 6 months after commencing each phase.

Staff Recommendation:

Staff recommends the approval of the request for a second amendment to Condition #1 associated with the previously approved certified base data determination of the Tahoe Nugget site. The requested amendment to Condition #1 does not alter the Governing Board's previous approval of the eligibility of the certified base data on the site and is compliant with the Tahoe Regional Planning Compact, NTRPA Ordinance 1980-1, and the NTRPA Plan Review Procedures Policy. It is staff's interpretation of these regulations that the intent of regulating Structures Housing Gaming within the Lake Tahoe basin was to freeze the square footages of the certified base data and location of these uses in order to achieve the findings and declaration of policy of the Tahoe Regional Planning Compact. The proposed amendment to Condition #1 would allow the applicant additional time needed to develop the calculations and plans required for reestablishing gaming use on the site consistent with the findings and declaration of policy of the Compact.

Suggested Motion: *I move to approve the second amendment to Condition 1 associated with the previously approved certified base data determination for the Tahoe Nugget site, Douglas County APN 1318-23-401-049 as outlined in the December 8, 2021 staff report.*

Prepared By: Scott Carey, AICP. State Lands Planner.

ATTACHMENTS:

Exhibit 1: Request for Second Extension of Time Letter
Exhibit 2: First Phase Floor Plan and Build Out Floor Plan

Midkiff
& Associates, Inc.
CONSULTANTS

October 5, 2021

Charlie Donohue
Administrator
Nevada Tahoe Regional Planning Agency
901 S. Stewart Street, Ste 5003
Carson City, NV 89701

Re: Northern Nevada Comstock Investments (aka Ed's Tahoe Nugget) Request for Additional Time to complete Plans for Remodel and Submittal to NTRPA, APN# 1318-23-401-048/049/050

Dear Mr. Donohue,

Following up on my recent call with Scott Carey, I talked with Scott Tate, owner of the former Tahoe Nugget, about the status of the demolition/remodeling project.

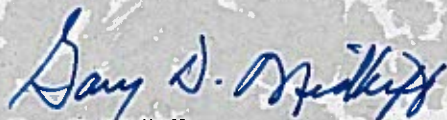
Mr. Tate tells me that the demolition of the north side of the building is complete. The demolition and remodel of the former pizza shop area on the south east corner of the building will be included in the remodel plans. The UPS Store and the Sushi Pier commercial operations will remain at this time.

As anticipated, there have been more than a few surprises revealed to date, and they are working on the remodel plans for the build out of the casino. Due to the extent of the interior demolition, they will be carefully evaluating the condition of all utilities (gas, electrical, water, sewer and the internet) in order to determine how much of that will require replacement to meet current building codes and/or updated to support current technological advances.

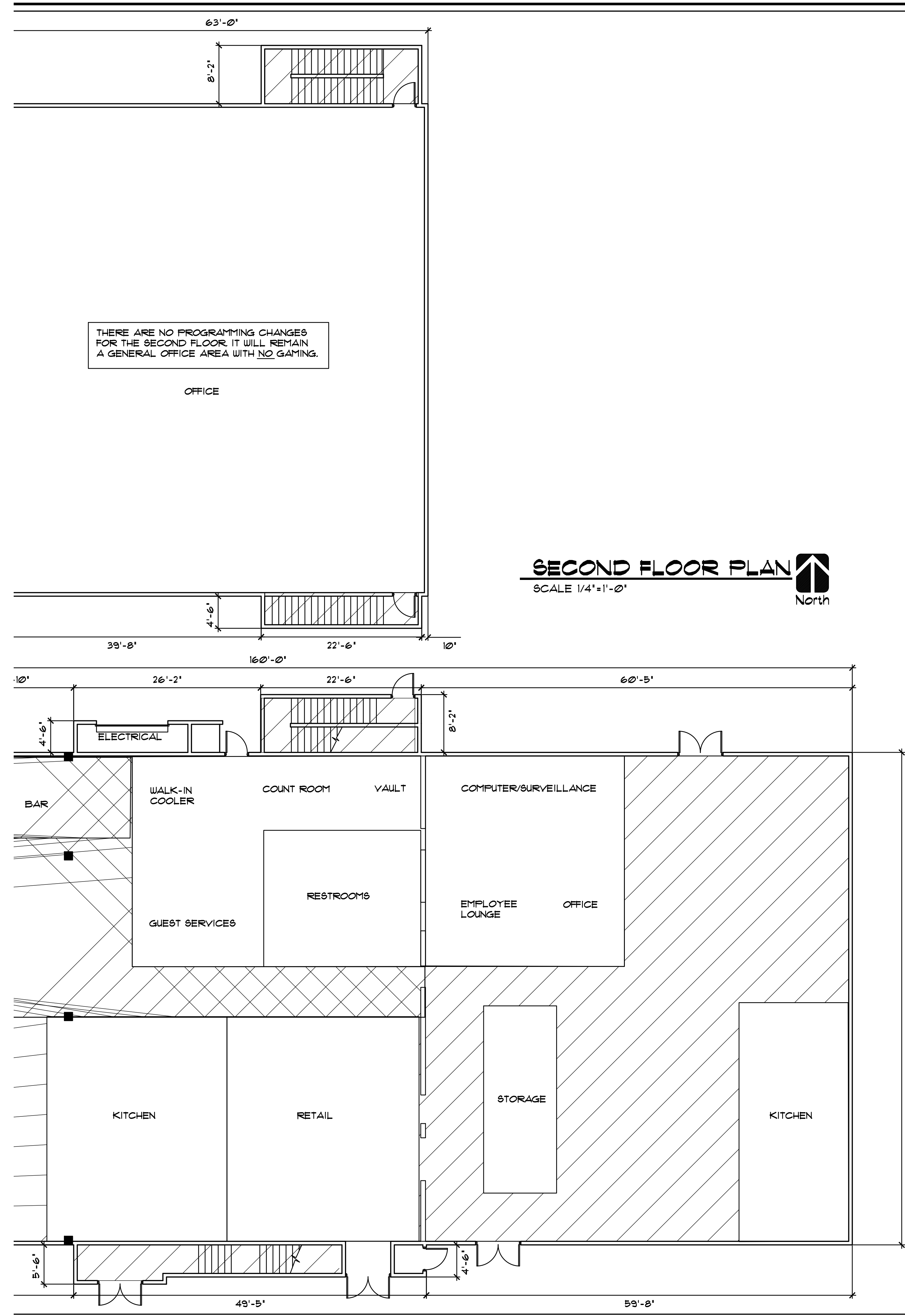
In order to allow the Nugget to complete their remodel plans and calculations, they respectfully request a six month extension to July of 2022 to submit their remodel plans for the casino to NTRPA. This additional time will allow them to deal with all of the surprises, as they finalize their plans for the "new" interior of the casino and resulting base area calculations.

Thank you

Respectfully submitted,



Gary D. Midkiff
President
Midkiff & Associates Inc.
Ph (775)588-1090
gary@midkiffandassoc.com



GENERAL NOTES

1. THE PROPOSED PROGRAMMING FOR THIS PROJECT DOES NOT CHANGE THE BUILDING'S EXISTING FOOTPRINT OR VOLUME. THE EXISTING EXTERIOR AND THE SHELL OF THE BUILDING WILL REMAIN THE SAME.
2. THE PLAN AND DIMENSIONS SHOWN IN THIS DRAWING ARE BASED ON PUBLIC RECORDS. AT THIS POINT THERE HAS BEEN NO IN THE FIELD VERIFICATIONS OF THE EXISTING BUILDING DIMENSIONS. SITE VISITS HAVE TAKEN PLACE TO OBSERVE THE EXISTING CONDITIONS AND QUALITY OF THE BUILDING.
3. THE LOCATIONS OF THE NON-GAMING SUPPORT AREAS ARE VERY PRELIMINARY AND MAY VARY BASED ON LOCATIONS OF POWER, PLUMBING, AND OTHER UTILITIES ONCE A COMPLETE INVESTIGATION OF THE BUILDING'S INTERIOR IS ACCOMPLISHED. THIS INVESTIGATION WILL NOT BE COMPLETE UNTIL SOME DEMOLITION OF INTERIOR SPACES TAKES PLACE. THE MAXIMUM BASE AREA WILL ALWAYS REMAIN AT 8,914 SQUARE FEET ON THE GROUND FLOOR WITH A MAXIMUM OF 8,113 SQUARE FEET OF GAMING.

BUILDING AREAS

BUILDING FOOTPRINT	11,736 S.F.
USABLE AREA INSIDE EXT. WALLS	
GROUND FLOOR	11,485 S.F.
SECOND FLOOR	4,488 S.F.
TOTAL USABLE	15,973 S.F.
BUILDING VOLUME	
GROUND FLOOR, 13' HEIGHT	152,568 C.F.
SECOND FLOOR	50,952 C.F.
TOTAL EXTERIOR VOLUME	203,520 C.F.

LEGEND

GROUND FLOOR

	NON-BASE AREA	4,893 S.F.
	BASE AREA	6,592 S.F.
	GAMING AREA	2,339 S.F.

SECOND FLOOR

	NON-BASE AREA	4,226 S.F.
	BASE AREA	262 S.F.
	GAMING AREA	0 S.F.

TOTALS

PUBLIC AREA	15,973 S.F.
BASE AREA	6,854 S.F.
NON-BASE AREA	9,119 S.F.
GAMING AREA	2,339 S.F.

GROUND FLOOR PLAN

SCALE 1/4"=1'-0"



**FIRST PHASE
CONDITIONS**

• Architect •

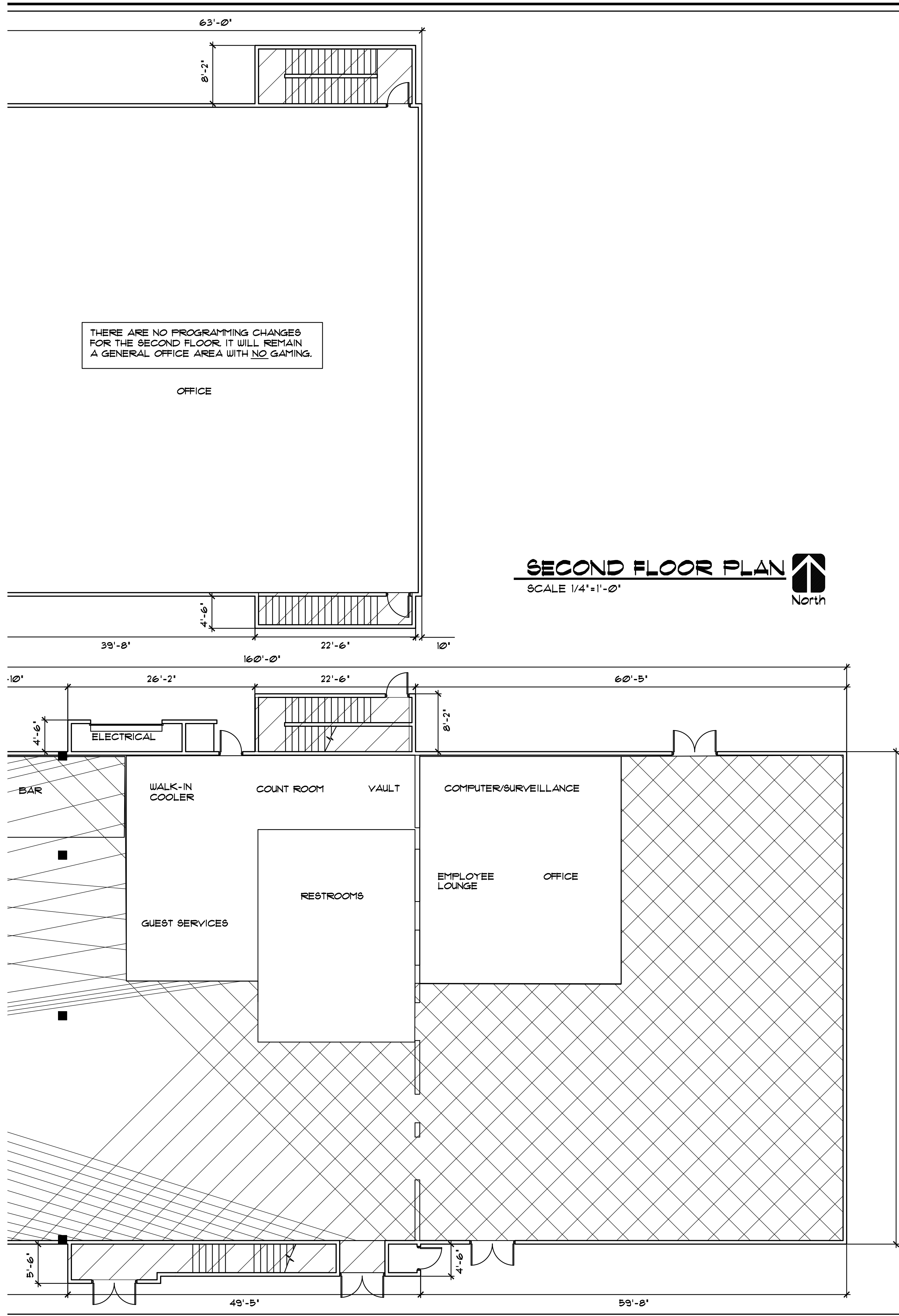
FRANK WOODLIFF III
200 South Maine Street Suite A • P.O. Box 290 • Fallon, Nevada 89406
(775) 423-6065

PROGRAM PLANNING
FOR
TAHOE NUGGET BUILDING
177 U.S. HIGHWAY 50, STATELINE, NEVADA

Date: JUNE 24, 2020
Drawn By: FUJII
Revisions:

Sheet Number

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GENERAL NOTES

1. THE PROPOSED PROGRAMMING FOR THIS PROJECT DOES NOT CHANGE THE BUILDING'S EXISTING FOOTPRINT OR VOLUME. THE EXISTING EXTERIOR AND THE SHELL OF THE BUILDING WILL REMAIN THE SAME.
2. THE PLAN AND DIMENSIONS SHOWN IN THIS DRAWING ARE BASED ON PUBLIC RECORDS. AT THIS POINT THERE HAS BEEN NO IN THE FIELD VERIFICATIONS OF THE EXISTING BUILDING DIMENSIONS. SITE VISITS HAVE TAKEN PLACE TO OBSERVE THE EXISTING CONDITIONS AND QUALITY OF THE BUILDING.
3. THE LOCATIONS OF THE NON-GAMING SUPPORT AREAS ARE VERY PRELIMINARY AND MAY VARY BASED ON LOCATIONS OF POWER, PLUMBING, AND OTHER UTILITIES ONCE A COMPLETE INVESTIGATION OF THE BUILDING'S INTERIOR IS ACCOMPLISHED. THIS INVESTIGATION WILL NOT BE COMPLETE UNTIL SOME DEMOLITION OF INTERIOR SPACES TAKES PLACE. THE MAXIMUM BASE AREA WILL ALWAYS REMAIN AT 8,914 SQUARE FEET ON THE GROUND FLOOR WITH A MAXIMUM OF 8,113 SQUARE FEET OF GAMING.

BUILDING AREAS

BUILDING FOOTPRINT	11,736 SF.
USABLE AREA INSIDE EXT. WALLS	
GROUND FLOOR	11,485 SF.
SECOND FLOOR	4,488 SF.
TOTAL USABLE	15,973 SF.
BUILDING VOLUME	
GROUND FLOOR, 13' HEIGHT	152,568 CF.
SECOND FLOOR	50,952 CF.
TOTAL EXTERIOR VOLUME	203,520 CF.

LEGEND

GROUND FLOOR

	NON-BASE AREA	2,571 SF.
	BASE AREA	8,914 SF.
	GAMING AREA	8,409 SF.

SECOND FLOOR

	NON-BASE AREA	4,226 SF.
	BASE AREA	262 SF.
	GAMING AREA	0 SF.

TOTALS

PUBLIC AREA	15,973 SF.
BASE AREA	9,176 SF.
NON-BASE AREA	6,797 SF.
GAMING AREA	8,409 SF.

GROUND FLOOR PLAN

SCALE 1/4"=1'-0"

ALL PHASES COMPLETED

Architect

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PROGRAM PLANNING FOR
TAHOE NUGGET BUILDING
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NEVADA TAHOE REGIONAL PLANNING AGENCY

****Unofficial** BASE DATA SUMMARIES **Unofficial****

PROPERTY	PUBLIC AREA (sq. ft.)	BASE AREA (sq. ft.)	NON-BASE			PRIVATE AREA (sq. ft.)	CUBIC VOLUME (sq. ft.)	SITE COVERAGE (sq. ft.)
			AREA (sq. ft.)	GAMING (sq. ft.)				
SOUTH SHORE								
BILLS/BARNEYS*	18,498	14,019	4,479	10,492	0	221,103	7,460	
CAESARS	425,667	245,857	179,910	95,566	553,873	13,088,431	310,329	
HARRAHS	569,323	324,000	245,323	72,650	1,839,998	25,954,176	417,383	
NORTH CASINO	34,175	20,126	14,049	16,501	0	452,016	19,936	
HARVEYS								
Mountain Tower	290,346	133,834	156,512	101,967	96,115	5,209,727	94,507	
Lake Tower	301,265	184,360	116,905	29,650	331,982	8,708,006	54,501	
Parking I	82,583	56,928	25,655	0	536,935	5,186,816	113,764	
Parking II	28,130	3,630	24,500	0	224,007	2,288,096	-	
Parking III	WILL BE COMPUTED WHEN CONSTRUCTED							
HORIZON	334,362	153,064	181,298	78,845	1,171,442	19,199,464	347,185	
LAKESIDE INN	66,303	37,933	26,370	31,262	0	1,071,447	24,199	
EDS TAHOE NUGGET	16,122	9,461	6,661	8,773	0	200,462	11,560	
NORTH SHORE								
CAL NEVA	89,430	46,135	42,970	25,827	86,159	2,171,161	58,894	
CRYSTAL BAY CLUB	51,616	19,516	32,100	16,184	185,238	2,120,654	79,007	
HYATT	125,842	59,041	67,481	23,684	196,808	3,954,953	90,579	
KELLEYS NUGGET								
Prior to Fire	14,934	14,934	0	3,790	0	172,550	5,075	
As Rebuilt	-13,854	-8,794	-5,060	-3,683	0	-170,164	-4,895	
MARINER	21,714	13,315	8,399	12,200	9,732	359,370	23,662	
TAHOE BILTMORE	74,375	46,588	27,787	29,744	21,032	1,513,758	42,797	

November 2021

NOTES:

Eds Tahoe Nugget has been converted into an office-retail building without gaming.

The Mariner is not in operation and the structure has been demolished.

Some of the figures include "approved but unbuilt" area.

In 1993 the NTRPA acknowledged that 10,879.5 sq ft of private use area in the Crystal Bay Club had historically been and may continue to be in public use, but may not be used in calculating the base and the allowable gaming area.

In 2000, the NTRPA approved changes to the base data to the Hyatt as part of a renovation project.

In 2011, the NTRPA seperated the North Casino from Harrah's.

In 2018, the NTRPA recertified the total cubic volume of the Cal Neva.